IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 617 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ALPA MARKETING THRO'TRUSTEES

Versus

NATIONAL SALES CORPORATION

Appearance:

1. Civil Revision Application No. 617 of 1998

MR MB GANDHI for Petitioner No. 1-1/4

RULE UNSERVED for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/03/2004

ORAL JUDGEMENT

The petitioners are the original plaintiffs of Summary Suit No.5075/1996, which is pending in the City Civil Court, Ahmedabad. In the aforesaid suit, on behalf

of the respondents, an application for granting leave to defend was preferred. The trial Court granted unconditional leave to defend the said suit, which order is under challenge in the present revision application.

2) Since the impugned order is in the nature of interlocutary order, the same is not revisable in view of the amendment in Section 115 of C.P.C. Therefore, Mr.Gandhi for the petitioners want to withdraw this revision in order to file a petition under Article 227 of the Constitution of India.

3) Permission as prayed for to withdraw this Civil Revision Application is granted with a liberty to file Special Civil Application. Rule is discharged. No order as to costs. Office is directed to give certified copy of the impugned order of the trial Court to the petitioner on his furnishing simple copy of the order.

(P.B.Majmudar,J.)

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